

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

MICHAEL MONTGOMERY,

Plaintiff,

vs.

WAL-MART STORES, INC.;
KINDERHOOK INDUSTRIES II, LP;
KINDERHOOK INDUSTRIES, LLC;
KINDERHOOK CAPITAL FUND II,
LP; CRESTWOOD HOLDINGS,
INC.; BERGAN, L.L.C.; JOHN
ELMBURG; ROBERT ELMBURG;
ERIC ELMBURG; ROCKY FLICK;
HOME DEPOT U.S.A., INC., AND
DOES 1-20, INCLUSIVE,

Defendants.

CASE NO. 12CV3057 JLS (DHB)

ORDER VACATING HEARINGS


(ECF Nos. 29, 31, 40, 41, 42)

Presently before the Court are Defendant Robert Elmburg's Motion to Dismiss for Lack of Personal Jurisdiction (12(B)(2)), Lack of Standing (12(B)(1)), Failure to State a Claim (12(B)(6)), and Motion to Strike (12(F)), (ECF No. 29), Defendant Rocky Flick's Motion to Dismiss for Lack of Personal Jurisdiction (12(B)(2)), Lack of Standing (12(B)(1)), Failure to State a Claim (12(B)(6)), and Motion to Strike (12(F)), (ECF No. 31), Defendant Bergan, L.L.C.'s Motion to Dismiss for Lack of Standing (12(B)(1)), Failure to State a Claim (12(B)(6)), and Motion to Strike (12(F)), (ECF No. 40), Defendant Crestwood Holdings, Inc.'s Motion to Dismiss for Lack of Personal Jurisdiction (12(B)(2)), Lack of Standing (12(B)(1)), Failure to State a Claim (12(B)(6))

1 and Motion to Strike (12(F)), (ECF No. 41), and Defendants John Elmburg and Eric
2 Elmburg's Motion to Dismiss for Lack of Personal Jurisdiction (12(B)(2)), Lack of
3 Standing (12(B)(1)), Failure to State a Claim (12(B)(6)) and Motion to Strike (12(F))
4 (ECF No. 42). The motion hearings set for May 31, 2013 are **HEREBY VACATED**
5 and the matters are taken under submission without oral argument pursuant to Civil
6 Local Rule 7.1(d)(1).

7 **IT IS SO ORDERED.**

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9 **DATED: May 21, 2013**

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11 **Honorable Janis L. Sammartino**
12 **United States District Judge**
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